

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

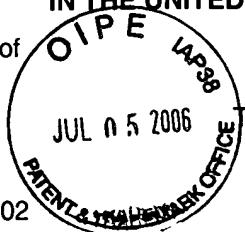
In re Patent Application of

CROSSLAND et al

Serial No. 10/084,652

Filed: February 28, 2002

Title: SPACERS FOR CELLS HAVING SPACED OPPOSED SUBSTRATES



Atty Dkt. 124-930

C# M#

TC/A.U.

2841

Examiner: Thanh S. Phan

Date: July 5, 2006

2841
Terry

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

 Correspondence Address Indication Form Attached.**Fees are attached as calculated below:**

Total effective claims after amendment	33	minus highest number	
previously paid for	34	(at least 20) =	0 x \$50.00
			\$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment	2	minus highest number	
previously paid for	3	(at least 3) =	0 x \$200.00
			\$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add
\$360.00 (1203)/\$180.00 (2203) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)

One Month Extension	\$120.00 (1251)/\$60.00 (2251)
Two Month Extensions	\$450.00 (1252)/\$225.00 (2252)
Three Month Extensions	\$1020.00 (1253)/\$510.00 (2253)
Four Month Extensions	\$1590.00 (1254)/\$795.00 (2254)
Five Month Extensions	\$2160.00 (1255)/\$1080.00 (2255) \$

Terminal disclaimer enclosed, add	\$130.00 (1814)/ \$65.00 (2814) \$
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Applicant claims "small entity" status. Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee	\$180.00 (1806) \$
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Assignment Recording Fee	\$40.00 (8021) \$
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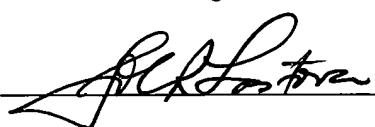
Other:	\$
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TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
By Atty: John R. Lastova, Reg. No. 33,149

Signature: 



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

CROSSLAND et al Atty. Ref.: 124-930; Confirmation No. 3971

Appl. No. 10/084,652 TC/A.U. 2841

Filed: February 28, 2002 Examiner: Thanh S. Phan

For: SPACERS FOR CELLS HAVING SPACED OPPOSED SUBSTRATES

* * * * *

July 5, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

ELECTION WITH TRAVERSE

In response to the Official Action mailed June 5, 2006, Applicants elect *with traverse* claims 1-28 and 32-34.

This restriction requirement is the sixth action in this case. The Examiner now requires restriction to one of the following groups of claims:

Claims 1-28 and 32-34, drawn to a backplane, classified in class 361, subclass 746.

Claims 29-31, drawn to a method of producing a backplane, classified in class 349, subclass 155.

The Examiner alleges that the inventions I and II are related as process of making and product made.

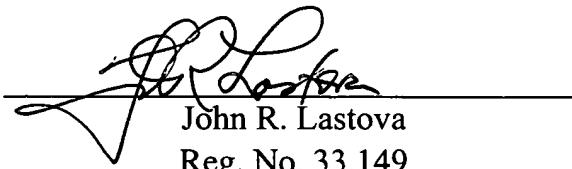
This requirement is not reasonable and not justified. First, if a restriction were appropriate, it should have been made in the first action. Second, the apparatus and method claims have already been examined *multiple times*. Even if these claims were separate and distinct inventions, they have already been thoroughly considered and searched by the Examiner. It would be a waste of USPTO resources to redo this work in a divisional application. Third, the method claims have been fully prosecuted by applicants and distinguished from the applied prior art. Indeed, there are no remaining prior art or other rejections. The application is in condition for allowance. Requiring the Applicant to spend more on PTO and legal fees and suffer additional delay for the method claims that are in condition for allowance would be unfair and unjust. This would be particularly so in view of the extensive number of office actions issued in this case.

Applicant requests that a notice of allowance be issued promptly and that the method claims 29-31 be rejoined and allowed.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



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